

John

PTO/SB/21 (09-06)

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TRANSMITTAL FORM

(to be used for all correspondence after initial filing)

Total Number of Pages in This Submission

Application Number 10/960,960

Filing Date October 12, 2004

First Named Inventor Vunjak-Novakovic

Art Unit 1657

Examiner Name Singh

Attorney Docket Number X-9473

ENCLOSURES (Check all that apply)

☐ Fee Transmittal Form

☐ Fee Attached

☐ Amendment/Reply

☐ After Final

☐ Affidavits/declaration(s)

☐ Extension of Time Request

☐ Express Abandonment Request

☐ Information Disclosure Statement

☐ Certified Copy of Priority Document(s)

☐ Reply to Missing Parts/
Incomplete Application

☐ Reply to Missing Parts
under 37 CFR 1.52 or 1.53

☐ Drawing(s)

☐ Licensing-related Papers

☐ Petition

☐ Petition to Convert to a
Provisional Application

☐ Power of Attorney, Revocation

☐ Change of Correspondence Address

☐ Terminal Disclaimer

☐ Request for Refund

☐ CD, Number of CD(s) _____

☐ Landscape Table on CD

☐ After Allowance Communication to TC

☐ Appeal Communication to Board
of Appeals and Interferences

☐ Appeal Communication to TC
(Appeal Notice, Brief, Reply Brief)

☐ Proprietary Information

☐ Status Letter

☒ Other Enclosure(s) (please Identify
below):

Remarks

Election under 35 USC 121

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm Name

GIRPLE & HALE

Signature

Printed name

John S. Hale

Date

December 28, 2006

Reg. No.

25,209

CERTIFICATE OF TRANSMISSION/MAILING

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of

VUNJAK-NOVAKOVIC, et al.

Serial No.: 10/815,778

Filed: April 2, 2004

For: CARTILAGE IMPLANT ASSEMBLY
AND METHOD FOR IMPLANTATION

Examiner Prone

Art Unit 3738

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

ELECTION UNDER 35 USC 121

Responsive to the Office Action of November 29, 2006, Applicant responds as follows:

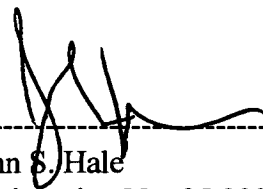
REMARKS

Applicant respectfully traverses the Examiner's restriction requirement and election. However, for purposes of responding to this action and to obtain examination, Applicant provisionally elects the invention of Group I, represented by claims 1-38 drawn to a cartilage repair assembly and Species I shown in Figures 3 and 4. Claims 1, 2, 6-12, 13-16, 18-23, 24-29, and 32-34 read on this Species. Claims 1, 13 and 24 are believed to be generic.

Prompt examination is respectfully requested.

Respectfully submitted,

GIPPLE & HALE



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